

## SENATE BILL No. 505

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-351.5; IC 16-40-3.

**Synopsis:** Tobacco product information. Requires manufacturers of tobacco products that are sold in Indiana to annually provide the state department of health with the identity of certain ingredients and nicotine yield ratings for each brand of the tobacco product. Provides that the nicotine yield rating and certain other information that may reduce the risk to public health are public documents. Requires the state department of health to adopt rules concerning these tobacco reports. Provides that a tobacco manufacturer may not sell a brand of tobacco product unless the annual report has been submitted. Requires the attorney general to advise the state department of health if any public disclosure of the information required in the annual report  
(Continued next page)

**Effective:** Upon passage; July 1, 1999.

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**Miller, Gard**

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January 19, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Digest Continued

would constitute an unconstitutional taking of property. Prohibits the state department of health from publicly releasing information that would constitute an unconstitutional taking of property.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 505

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-351.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1999]: **Sec. 351.5. "Tobacco product", for**  
4 **purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-1.**

5 SECTION 2. IC 16-40-3 IS ADDED TO THE INDIANA CODE AS  
6 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 1999]:

8 **Chapter 3. Tobacco Product Reports**

9 **Sec. 1. As used in this chapter, "tobacco product" means a**  
10 **product made from tobacco that is made for any of the following:**

- 11 (1) **Smoking.**  
12 (2) **Chewing.**  
13 (3) **Snuff.**

14 **Sec. 2. A person who manufactures a tobacco product shall**  
15 **provide the state department with an annual report for each brand**



of tobacco product sold in Indiana that contains the following information:

(1) Except for tobacco, water, or reconstituted tobacco sheet that is wholly made from tobacco, the identity of any added ingredient listed in descending order according to weight or volume. However, the manufacturer is not required to identify an ingredient that the federal Food and Drug Administration has approved as safe when burned and inhaled or recognized as safe when burned and inhaled according to the "Generally Recognized As Safe" list of the Food and Drug Administration.

(2) The nicotine yield rating based on standards established by the state department.

**Sec. 3. The following are public records:**

(1) The nicotine yield ratings.

(2) Any other information in the annual reports the availability of which the state department determines there is a reasonable scientific basis to believe could reduce risks to public health.

**Sec. 4. The state department shall adopt rules under IC 4-22-2 that:**

(1) establish nicotine yield ratings that predict the nicotine intake for the average consumer of that type of tobacco product;

(2) establish the form of the report required under this chapter;

(3) establish due dates for reports required under this chapter; and

(4) are necessary for the administration of this chapter.

**Sec. 5. A manufacturer of a tobacco product that fails to submit an annual report for a brand of tobacco product as required by this chapter may not sell that brand of tobacco product in Indiana until the required annual report is submitted.**

**SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The attorney general shall advise the state department of health before July 1, 1999, whether public disclosure of the information required in the annual report provided to the state department of health under IC 16-40-3-2, as added by this act, would constitute an unconstitutional taking of property.**

**(b) Notwithstanding IC 16-40-3-3, as added by this act, the state department of health may not release information to the public that the state department of health believes would constitute an**



- 1 **unconstitutional taking of property.**
- 2 **(c) This SECTION expires July 1, 2003.**
- 3 **SECTION 4. An emergency is declared for this act.**

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